



Fishkill Town Court Office

Small Claims Court Directions

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You have filed a Small Claims case with this Court. Please read carefully.

1. Notice of this case will be sent to the Defendant by regular mail and certified mail. As long as one letter is not returned to this Court, it will be considered served on the other party.
2. The copy of this notice that was given to you today is the only notice that you will receive. Please post it somewhere so that you do not forget the date.
3. On the day of the hearing, you must bring with you all witnesses and evidence. You must be ready to proceed on that day.
4. If you settle with the Defendant prior to the court date, you must send them a letter telling them that you have withdrawn the case against them. A copy of that letter must also be sent to the Court also. Your filing fee cannot be refunded.
5. **ADJOURNMENTS:**
If you are going to ask for an adjournment, you should notify the other party well in advance that you have done so. Only the presiding Justice can grant your request. The request must be made in writing at least 10 business days prior to the Court date. Be advised that your request may be denied, and if you are not ready to go to trial on this day your case may be dismissed, or if you are the defendant, an award may be made without your having been heard.

NOTE: The clerks of the court are not permitted to help you in preparing your case.
Please do not ask them to do so.

Instructions for filing a counterclaim:

A defendant who wishes to file a counterclaim shall do so by filing with the clerk a statement containing such counterclaim within five (5) days of receiving the notice of claim. The statement shall be filed in person at the clerk's office, and the defendant shall pay the clerk a filing fee of \$3.32.

You the defendant, must write a letter notifying the plaintiff of the counterclaim in which you outline why and how much you are suing for. This letter must be sent by certified mail or be served by a processer (not someone related to the case).

A copy of this letter along with the certified mail stub must be submitted to the court before your court date. When you receive the green card back from the Post Office, you must also submit this to the court as proof that the letter was received. If the defendant fails to file the counterclaim in accordance with these instructions, the defendant retains the right to file the counterclaim; however the claimant may, but shall not be required to request and obtain adjournment of the hearing to a later date. The Plaintiff may reply to the counterclaim, but shall not be required to do so.

Any counterclaim for more than \$3,000.00 may not be brought to a Small Claims Court. It must be brought in a court with higher jurisdiction.